

L A W S

OF HIS MAJESTY

K A M E H A M E H A I V . ,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

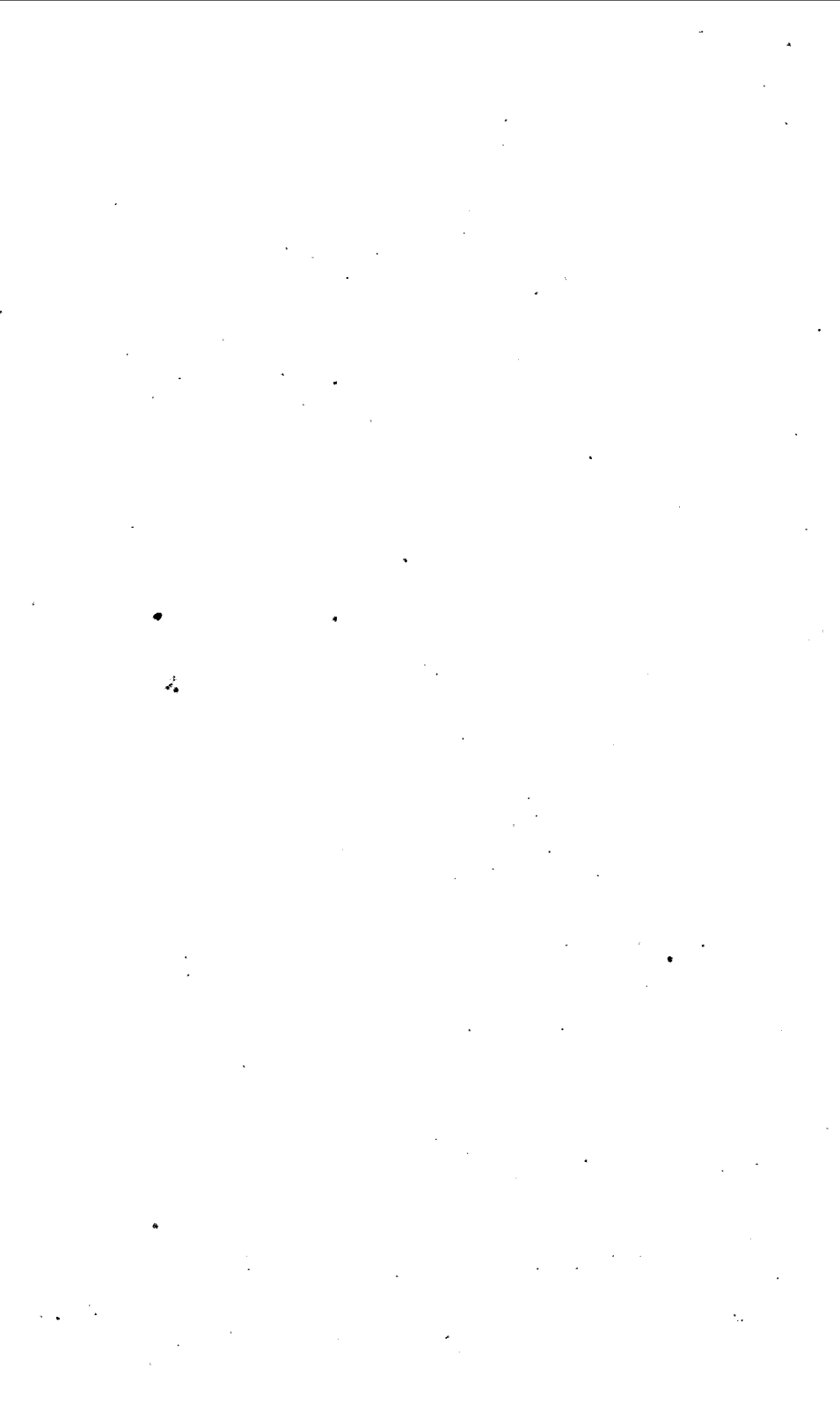
NOBLES AND REPRESENTATIVES,

AT THEIR SESSION,

1862.

HONOLULU :
PRINTED BY ORDER OF THE GOVERNMENT.

1862.



SESSION LAWS FOR 1862.

AN ACT

TO AMEND ARTICLE XLII. OF THE CIVIL CODE.—OF THE GARNISHEE PROCESS TO FACILITATE THE COLLECTION OF DEBTS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Article xlii. of the Civil Code is hereby amended, by inserting after the words "to appear," in the thirteenth line of Section 956, the word "personally."

SECTION 2. And the said Act is further amended by inserting after Section 957, the following sections, to wit :

"Section 957A. Whosoever any person summoned as an attorney, factor, agent, trustee or debtor of any defendant, may be desirous of so doing, he may apply to the Magistrate or any Justice of the Court from whom or which the said summons may have issued, and the Magistrate or Justice have caused reasonable notice to be given to the plaintiff in the action, shall proceed to take the deposition of the person thus summoned, and make such order as may be proper in the premises, at any time previous to the day appointed for hearing the cause, and the person so summoned as agent, factor, trustee or debtor of the party defendant, shall be taken to have obeyed the summons."

"Section 957B. The foregoing Section 957A shall be printed or written, conspicuously, on every summons, issuing out of any Court of this Kingdom, which may be intended to be served on any alleged attorney, agent, factor, trustee or debtor of a defendant in any suit."

SECTION 3. This Act shall take effect from and after the date of its publication.

Approved this 17th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND PART SIX OF SECTION 517 OF THE CIVIL CODE,

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That part six of Section 517 of the Civil Code, be and the same is hereby amended, by striking out the words "machinery of all kinds," and inserting in their stead the words "flour mills and machinery for the manufacture of cloths."

SECTION 2. This act shall take effect one year after the date of its publication in the "Polynesian" newspaper.

Approved this 30th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 720 OF THE CIVIL CODE.—RELATING TO THE PAY OF SCHOOL TREASURERS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 720 of the Civil Code be, and the same is hereby amended, by striking out the word "five" and inserting in the place thereof the word "two," and said section will read thus :

"Section 720. Said Treasurers shall hold office during the pleasure of the Board of Education, and shall receive as a compensation for their services a commission of not more than two per cent. on the gross amount of the school funds received and disbursed by them."

SECTION 2. This Act shall take effect and become law from and after the date of its publication.

Approved this 25th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND 789 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 789 of the Civil Code shall be, and the same is hereby amended, to read as follows, viz :

“Section 789. The ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the name or names of the person or persons, for whom the elector votes. After the close of the polls, the inspectors shall proceed without delay, first, to ascertain from the Clerk’s record the whole number of persons voting, and then to sort and count the whole number of votes given for the different candidates. If the number of ballots shall overrun the number of names on the Clerk’s record so as to affect the election, then it shall be the duty of the inspectors to return all the ballots into the box, close, lock and shake the same, so as to again thoroughly mix the ballots ; the box shall then again be opened and a cloth laid over the same, and the chairman of the inspectors having previously held up his open hand and arm bare, shall introduce his hand under the cloth cover of the box and draw therefrom, without looking, one ballot at a time, until the number of ballots in the box is reduced to correspond with the number of names on the Clerk’s list ; the Clerk shall take a note of each ballot as it is withdrawn, and deduct the same from the number of votes for the candidate or candidates whose ballot is so withdrawn, and the result thus obtained shall be adopted by the inspectors. All persons who choose to attend to the counting of such votes shall be at liberty to do so. Nothing in this section contained shall be held to interfere with the power given to the inspectors in Section 794 of the Civil Code.

SECTION 2. This Act shall take effect and become a law from and after the date of its publication.

Approved this 30th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 796 OF THE CIVIL CODE.—RELATING TO PETITIONS AGAINST THE RETURN OF MEMBERS TO THE HOUSE OF REPRESENTATIVES.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 796 of the Civil Code be and the same is hereby amended so as to read as follows :

“Section 796. Whenever fifty or more of the voters of any district shall petition the House of Representatives, setting forth that any person chosen as representative for said district, has been elected through bribery, or any other unfair means, or that he is not qualified according to law, the House of Representative shall institute an inquiry into the truth of the charges in said petition ; and if they find the charges to be true, they shall immediately declare his election null and void. In all such cases, the party petitioning and the party petitioned against, shall pay the expenses of their own witnesses, brought by them, or that they may cause to be brought, to substantiate or rebut the complaint.

SECTION 2. This Act shall become a law from and after the date of its publication.

Approved this 17th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND CHAPTER XIV. OF THE CIVIL CODE.—OF THE CIRCUIT COURTS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 877 of the Civil Code be, and the same is hereby amended to read as follows :

“The Circuit Judge of the First Circuit shall receive an annual salary of six hundred dollars. That of the Second Circuit shall receive an annual salary of twelve hundred dollars. That of the Fourth Circuit shall receive an annual salary of one thousand dollars, and those of the Third Circuit shall receive nine hundred dollars each per annum : Provided that only two judges be appointed for the Third Circuit ; but if three judges be appointed for the Third Circuit, the salary of each shall be six hundred dollars per annum. These salaries shall be paid by monthly payments out of the Treasury of the Kingdom.”

SECTION 2. This Act shall take effect and become a law from and after the date of its publication.

Approved this 17th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

 AN ACT

TO AMEND SECTION 1035 OF THE CIVIL CODE, TO EXEMPT CERTAIN PROPERTY FROM LEVY UNDER EXECUTION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 1035 of the Civil Code be, and the same is hereby amended, by striking out the words “not to include kalo or any plant still growing or ungathered,” in the third division, and inserting in the place thereof the words “one-half acre of growing or

ripe kalo, or any other plant specially raised for family consumption."

SECTION 2. This Act shall take effect and become law, from and after the date of its publication.

Approved this 17th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE LAW RELATING TO JURIES AND TRIAL BY JURY.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Section 1185 of the Civil Code be, and the same is hereby amended by striking out the words "one hundred," and inserting in lieu thereof the word "fifty."

SECTION 2. That Section 1190 of the Civil Code be, and the same is hereby amended, by striking out the word "thirty-six," and inserting in lieu thereof the word "twenty-four."

SECTION 3. That Section 1192, 1193, 1194 and 1195, of the Civil Code be and the same are hereby repealed.

SECTION 4. That Section 1197 of the Civil Code be, and the same is hereby amended, by striking out the word "naturalized."

SECTION 5. This Act shall take effect from and after the date of its passage.

Approved this 17th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE EXISTING LAWS RELATING TO THE ROAD TAX.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Section 172 of the Civil Code be and is hereby repealed, and a new section be inserted in its place, to read as follows :

“Section 172. The Road Supervisors shall cause the road tax to be worked out in their respective districts, between the first day of January and the last of November of each year.”

SECTION 2. That Section 175 of the Civil Code shall be and is hereby amended to read as follows, viz :

“Section 175. The Road Supervisor shall have power to compel the attendance and labor of the people liable to road tax, to labor on the road anywhere within the district in which they reside, provided he shall remit one day's work for every five miles traveled by the people from their places of abode, Section 174 of the Civil Code notwithstanding.”

SECTION 3. All fines imposed and paid under Sections 176 and 177 of the Civil Code shall be paid over by the several District Justices to the Road Supervisor of the district, and shall be expended by them as part of the road tax of such district.

SECTION 4. That Section 179 of the Civil Code be and is hereby amended to read as follows :

“Section 179. It shall be lawful for the several Road Supervisors to commute for the labor tax on the roads with the employers of all persons employed by the month or year, either to complete a certain amount of work on the roads, or to work by the day with carts, ploughs or other implements as may be agreed on ; it shall also be lawful for the several Road Supervisors to commute for the labor tax, with any and every person liable thereto, by taskwork.”

SECTION 5. That Section 183 of the Civil Code be and hereby is amended, to read as follows :

“Section 183. Every person liable to the road tax shall work out the same from the first day of January to the last day of November of each year, and any person failing so to work out his road tax.

when called upon by the Road Supervisor, shall be compelled to pay the commutation of this tax by the tax collector, as in Section 503 of the Civil Code provided."

SECTION 6. The Road Supervisor shall call out by name each and every person liable to the road tax whom he desires to work out his tax, giving always at least three days notice of the time and place of labor.

SECTION 7. All carts and drays shall each work annually one day on the road, or in default thereof pay a commutation of two dollars; provided always that the respective owners of such carts and drays shall provide a sufficient team and teamster for them for such work.

SECTION 8. The Minister of the Interior is hereby empowered, in his discretion, to detail for labor on any public road, upon application to that purpose from any Road Supervisor, as many prisoners as he may deem necessary for such work; said prisoners to be under the care of their usual overseers and subject to the Road Supervisor only as far as regards the mode of their employment.

SECTION 9. That Section 487 of the Civil Code be and is hereby amended by striking out the word "high" from before the word "schools," in the last line of said section.

SECTION 10. This Act shall take effect from the date of its publication, and any laws or parts of laws in conflict with the same are hereby repealed.

Approved this 23d day of August, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND "AN ACT TO PREVENT MARRIED PERSONS FROM DESERTING ONE ANOTHER," PASSED AUGUST 25TH, 1860.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Section 1 of the Act entitled "An Act to prevent married persons from deserting one another," passed on the 25th day

of August, 1860, be and the same is hereby amended, by inserting the words "or District" between the word "Police" and the word "Justice," in the second line of the said section.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 17th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PROVIDE FOR THE SEPARATION OF THE SEXES IN THE GOVERNMENT SCHOOLS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. It shall be the duty of the several superintendents of Government Schools, in consultation with the school Trustees under instructions from the Board of Education, to establish separate schools for the children of each sex in their respective districts when ever practicable, and whenever there are sufficient children for the formation of two or more schools. And in the selection of teachers, preference shall be given to a teacher of the same sex as the children, if properly qualified.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 25th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO ABOLISH THE PUNISHMENT OF WOMEN WHO BECOME PREGNANT BY ILLICIT INTERCOURSE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the Act entitled "An Act abolishing the punishment of women who become pregnant by fornication or adultery," passed on the 19th day of June, A. D. 1852, be and the same is hereby repealed.

SECTION 2. From and after the date of the publication of this Act in the "Polynesian" newspaper, no woman shall be charged with or convicted of the offence of adultery or fornication because she is found pregnant, or has given birth to a child.

SECTION 3. This Act shall take effect and become a law, from and after the date of its publication in the "Polynesian" newspaper.

Approved this 17th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

RELATING TO CRIMINAL CONVERSATION AND SEDUCTION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. Whenever, in any case of criminal conversation or seduction, an action at law for the recovery of damages, shall be instituted by any party entitled to maintain such action, then, and in that case, the woman who may have been the subject of such criminal conversation or seduction, shall not be liable to be prosecuted criminally for adultery or fornication, under the provisions of the Thirteenth Chapter of the Penal Code.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 25th day of July; A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REGULATE THE POWERS AND DUTIES OF THE SECOND ASSOCIATE JUSTICE OF THE SUPREME COURT.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That from and after the date of the passage of this Act, the like powers and duties as are possessed and exercised by the First Associate Justice of the Supreme Court, shall be possessed and exercised in like manner by the Second Associate Justice of the said Court.

SECTION 2. All Acts and parts of Acts in contrariety of this Act, shall be and the same are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its publication.

Approved this 17th day of July, A. D. 1862.

KAAHUMANU.

KAMEHAMEHA.

AN ACT

TRANSFERRING THE DUTIES OF THE SHERIFF OF THE ISLAND OF OAHU TO THE MARSHAL OF THE KINGDOM.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That the duties of the Sheriff of the Island of Oahu, as imposed on that officer by law, are hereafter to be performed by the Marshal of the Kingdom.

SECTION 2. This act shall take effect two weeks after the date of its publication in the "Polynesian" newspaper.

Approved this 25th day of July, A. D. 1862.

KAAHUMANU.

KAMEHAMEHA.

AN ACT

FOR THE APPOINTMENT OF AN ATTORNEY GENERAL.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That his Majesty the King may appoint a suitable person as Attorney General for the Kingdom, who shall understand both the English and Hawaiian languages.

SECTION 2. Said Attorney General shall, when appointed, take and subscribe an oath of fidelity to the Constitution, and for the faithful discharge of the duties of his office, which oath may be taken and subscribed before any Judge of a Court of Record.

SECTION 3. He shall hold office for the term of two years from the date of his appointment, unless sooner removed by the King.

SECTION 4. He shall keep an office at the seat of Government.

SECTION 5. He shall appear for the Crown or the Government in the Supreme Court and Circuit Courts of the Kingdom in all cases, criminal or civil, in which the Crown or Government may be a party or be interested, and he shall also appear in any Police or District Court in like cases, when called upon by the Marshal or any Sheriff.

SECTION 6. He shall also be vigilant and active in detecting offenders against the laws of the Kingdom, and shall prosecute the same with diligence. It shall also be his duty to enforce all bonds, notes or other instruments that may be placed in his hands for that purpose by any of the King's Ministers, or Governors, or by any judicial or executive officer.

SECTION 7. When any one shall obstruct any street, channel, harbor, wharf, or other highway or public place, or obstruct or divert any stream or public water course, or commit any trespass or waste on any portion of the public domain or other public property, as by cutting down of prohibited trees, or the removal of stone, coral, sand or other property of the Government pertaining thereto, the said Attorney General shall prosecute the offender with diligence.

SECTION 8. The said Attorney General shall without charge, at all times when called upon, give advice and counsel to the Ministers, Governors, the Marshal, Sheriffs, Collectors, Justices, and other pub-

lic officers, in all matters connected with their public duties, and otherwise aid and assist them in every way requisite to enable them to perform those duties faithfully.

SECTION 9. It shall also be the duty of the said Attorney General to give counsel and aid to poor and oppressed subjects of the King, and to assist them in obtaining their just rights without charge: provided, however that he shall not be obliged to render such aid, counsel and assistance, unless requested so to do by the King, or by some one of the King's Ministers or Governors.

SECTION 10. The said Attorney General shall be present at the regular terms of all the Courts of Record in each Judicial District, and shall visit the several islands at such other times as the public good and the furtherance of justice may require.

SECTION 11. The said Attorney General shall, on or before the first Monday of January in each year, make report to the Chief Justice of the Supreme Court, setting forth particularly the amount and kind of official business done by him in each Circuit in the year preceeding; the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had, the result thereof, and the punishments awarded against any person convicted thereon; and generally he shall present in said reports plain and particular statements of the criminal business of each Circuit.

To enable him to make such reports, it shall be the duty of the Circuit Judges, District Judges, and of other public officers when requested, by written report on the first day of December of each year, to furnish him with such information in relation thereto as they may possess.

SECTION 12. Said Attorney General shall not receive any fee or reward from, or in behalf of any person or prosecutor, for services rendered in any prosecution or business to which it shall be his official duty to attend; nor be concerned as counsel or attorney for either party in any civil action depending upon the same state of facts.

SECTION 13. He shall account with the Minister of Finance, every three months, for all fees, bills of costs, fines, penalties, and other moneys received by him by virtue of his office.

SECTION 14. Said Attorney General shall, when required, give his

opinion upon questions of law submitted to him by the King, either branch of the Legislature, or the head of any department.

SECTION 15. The said Attorney General shall receive such salary as may be voted him, from time to time, by the Legislature, which shall be paid to him out of the public Treasury in equal monthly payments, in full for all services rendered by him.

SECTION 16. The Attorney General, with the approval of the Chief Justice, may appoint a deputy for each of the other judicial districts, for the acts of whom he shall be responsible.

SECTION 17. All the duties imposed by existing laws on the several District Attorneys are hereby required to be performed by the Attorney General, and the Chapter 23d of the Civil Code, from section 1080 to 1095, as well as all other laws or parts of laws in contrariety to this Act, are hereby repealed.

SECTION 18. This Act shall take effect from and after the thirtieth day of June, 1862.

Approved this 22d day of August, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PROVIDE FOR THE PERPETUATING OF TESTIMONY.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. Whenever any person shall be desirous of perpetuating the testimony of any witness, he shall file a petition with the clerk of any Court of Record, setting forth his claims, interest or title in or to the subject on which he wishes to perpetuate evidence, and the names and places of residence of all other persons known to him as being interested therein, and the name or names of the witness or witnesses whom he proposes to examine ; and praying from any judge of the court in which said petition is filed, an order requiring the adverse party or parties to attend at a time and place, in the order specified, that the testimony of such witness or witnesses may be taken for the purpose of being perpetuated.

SECTION 2. If the petitioner expects to be a plaintiff in any future action, he shall likewise set forth in his petition the obstacles preventing the immediate commencement of an action.

SECTION 3. If the order is granted, the deposition or depositions shall be taken before some judge of the court in which the petition is filed, the same latitude of examination and cross-examination being allowed as if a suit were actually pending, and the judge having caused the deposition to be signed on each sheet by the witness, shall certify that the depositions have been properly taken, and shall order them to be filed with the clerk of the court.

SECTION 4. If a trial shall afterward be had between the parties named in the petition, or their privies or successors in interest, touching the matter of controversy set forth in the petition, the depositions filed in accordance with the provisions of the preceding sections shall be given in evidence by either party, where the witness or witnesses are insane or dead, or their attendance for oral examination cannot be required or obtained; provided, however, that such depositions shall be subject to the same objections for irrelevancy or incompetency as might be made to depositions taken pending an action.

SECTION 5. The applicant shall pay all costs of all proceedings under this Act.

SECTION 6. This Act shall take effect from and after the day of its passage.

Approved this 25th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PROMOTE INTER-ISLAND COMMUNICATION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

ARTICLE 1. That Robert C. Janion, William L. Green, and their associates, successors and assigns, are hereby constituted a body corporate under the name of the Hawaiian Steam and General Inter-

Island Navigation Company, for and during a term of twelve years from the date of the passage of this Act, with all the rights, privileges and immunities, secured to incorporated companies by the Act relating to Corporations, and subject to all the provisions thereof.

ARTICLE 2. The said Company shall have the exclusive privilege of running a steamer or steamers between the several ports and islands of the Hawaiian Kingdom, for the term of twelve years from date, with the exemptions and privileges granted, or which may be hereafter granted to national merchant vessels.

ARTICLE 3. The said Company shall have the privilege of obtaining water from the Government tanks, free of charge, for the use of their steam vessel or vessels, for the term of twelve years as aforesaid.

ARTICLE 4. The said Company shall have the privilege for the term of twelve years from date hereof, of having the exclusive right, free of charge, of a Government wharf on the Esplanade, which shall be kept in repair at their expense, and set apart by the Minister of the Interior, for the use of their steamer or steamers, for landing passengers and freight, and also for a coal depot; and their steamer or steamers shall not pay coasting licenses, or port charges, and no taxes shall be laid on such Company for such steamer or steamers as they may employ during the time aforesaid, or for their wharf property, coal, or other material employed by the said Company in prosecuting the enterprise of steam navigation. But it is expressly enacted that the privileges by this Act granted to the said Steam and General Inter-Island Navigation Company, shall not enure to their benefit, nor shall this Act become a law until the Hawaiian Steam Navigation Company may have surrendered their charter to the Minister of the Interior and cancelled the same.

ARTICLE 5. All coal or other materials for the production of steam, and all machinery necessary for the use of any of the said steamers, shall be imported free of duty, and the vessels in which said coal or other materials or machinery are imported, shall be free from harbor dues, provided they do not take on board any other article of traffic or commerce or any passengers.

ARTICLE 6. The said steamer or steamers shall be registered under the Hawaiian flag, on the application of the Agent of said Com-

pany, who shall be a resident of the Kingdom, and said steamer or steamers shall enjoy all the privileges and be subject to all the laws affecting coasting vessels of this Kingdom, with such exceptions as are herein specified; and it is hereby expressly understood and declared, that the right of towing and tugging is not included in the foregoing articles.

ARTICLE 7. In order to secure the foregoing privileges, the said Company shall have employed in said inter-island navigation, a good and substantial steamer of not less than two hundred tons burden, within fifteen months from the date of the passage of this Act, and which said Company shall keep employed for the said purposes contemplated in this charter.

ARTICLE 8. It shall be the duty of the Agent of said Company to make a quarterly exhibit of the state of the Company's affairs to the Minister of the Interior; and when it shall appear that they are enabled to pay quarterly dividends of three per cent., or at the rate of twelve per cent. per annum on the stock, then said Company shall introduce and maintain a second steamer, to be employed as in this Act provided.

ARTICLE 9. In case the said steamer shall be lost, or if in consequence of the provisions of Article 8, they may have placed two steamers on their routes, either of the said steamers shall be lost during the term of this monopoly, the Agent of the said Company shall within four months after such loss, give notice to the Minister of the Interior that it is the intention of the said Company to replace the boat lost as aforesaid, and said Company shall replace the boat within fifteen months from the date of her said loss, and in default thereof this grant shall be void.

ARTICLE 10. Said Company shall carry the public mails between all the ports and places their vessels visit free of charge, and safely deliver the same to the person directed, and always subject to all postal laws, always giving seasonable notice of the time and place of departure.

ARTICLE 11. The said Company may own sailing vessels under the Hawaiian flag, and run them in the coasting trade, but said vessels are to have no privileges or exemptions not possessed by other Hawaiian sailing vessels.

ARTICLE 12. That whenever the words steamer or steamers are used in this Act, they shall be deemed to mean vessels propelled by steam, hot air, or machinery of any kind other than sails.

ARTICLE 13. It is hereby expressly understood and declared, that the Supreme Judicial Court of this Kingdom shall have full power to examine and adjudicate on the fulfillment of the terms and conditions and obligations of this charter by said Company, and on having due notice of time and place fixed by said Supreme Judicial Court for said examination, and on proof satisfactory to said Court, that the terms, conditions and obligations have not been complied with, said Court shall have power, at their discretion, to abridge or modify the privileges of this grant, or declare the same forfeit.

Approved this 25th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT .

TO ENCOURAGE A TRANS-PACIFIC LINE OF STEAMERS.

WHEREAS, The establishment of a trans-Pacific line of steamers touching at Honolulu on the outward and homeward voyages, cannot fail to promote the prosperity of the Hawaiian people; and whereas, it is probable that such trans-Pacific line will be established before two years elapse from this date: Therefore—

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. It shall be lawful for the Minister of the Interior, by and with the consent of the King in Privy Council, to set apart so much of the unimproved Government property of Waikahalulu, adjoining the harbor of Honolulu, as may suffice for wharfage, marine slip or railway, warehouses and coal depot, required by said trans-Pacific line of steamers, to any incorporated company that may first establish such line of steamers, free of all rent or charge whatever for thirty years from the date of the establishment of such line. All improvements required on the land so set apart shall be made at the expense of the said Company, and at the expiration of the thirty

years aforesaid, the Hawaiian Government shall have the right to purchase the said Company's interest in the same, at a valuation to be made by arbiters mutually chosen, or said Company shall have the right to continue in occupation for a further term, at such annual rent as may be then agreed to or determined by arbiters mutually chosen.

SECTION 2. The said Company, in the discretion of the Minister as provided in Section 1, shall be exempted from all port charges and shall have the use of a Government wharf, a lot of improved land for a coal depot, and the right to procure water for the use of their vessels from the Government pipes free of charge, for the term of five years from the arrival at Honolulu of the first steamer of their line.

SECTION 3. In order to secure the foregoing privileges, the said Company shall maintain a monthly steam communication each way between the port of Honolulu and either of the ports of San Francisco, California, or Victoria, Vancouver's Island; and should the Company fail to maintain such communication for six months at any one time without cause sufficient to the satisfaction of the Supreme Court, the privileges granted under this Act shall be forfeited, and the Government shall have the right, at its option, to take what improvements may have been made by the Company on the land of Waikahalulu at a valuation as provided in Section 1.

SECTION 4. This Act shall take effect and become law from and after the date of its publication.

Approved this 25th day of July, A. D. 1862.

KAAHUMANU.

KAMEHAMEHA.

AN ACT

FOR THE VENDING OF WINES, ALES AND OTHER SPIRITUOUS LIQUORS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Minister of the Interior shall have power to grant

a wholesale vending license for spirituous liquors to any wholesale merchant applying therefor in writing, and stating in his application the name of the vendor and where the applicant intends to establish his place of business ; provided that such wholesale license shall only be granted to persons having a license to sell goods, wares and merchandise at wholesale.

SECTION 2. The wholesale vending of spirituous liquors shall consist of selling the same in quantities not less than the packages originally imported.

Wines, ales and other liquors containing alcohol are comprehended in this Act.

Provided that the same, and no part thereof, shall be drank or used on the premises where they are sold, or in any other house or premises contiguous thereto, procured or rented for that purpose, by the party holding such license, or any other person or persons whatsoever through his agency, under the penalty of forfeiting his license and incurring the penalties of the law and his bond.

SECTION 3. Before granting such wholesale license to vend spirituous liquors, the applicant shall pay for the use of the Royal Exchequer one hundred dollars, and give a bond to the Minister of the Interior, in the penalty of two hundred and fifty dollars, with at least one sufficient surety to be approved by said Minister.

SECTION 4. The Minister of the Interior shall have power in like manner to grant licenses to any person for the vending of wine, ale and other spirituous liquors, upon such person applying therefor in writing, and stating in his application the name of the vendor and where the applicant intends to establish his place of business.

SECTION 5. Any person having obtained a license in accordance with the preceeding section, may sell ardent spirits in quantities not less than one gallon ; wines, ales and other liquors containing alcohol in quantities not less than one dozen bottles ; provided that the same and no part thereof shall be drank or used on the premises where they are sold, or in any other house or premises contiguous thereto, procured or rented for that purpose, by the party holding such license, or any other person or persons whatsoever through his agency, under the penalty of forfeiting his license and incurring the penalty of the law and his bond.

SECTION 6. Before granting such license to any person to vend wine, ale and other spirituous liquors, as prescribed in Sections 4th and 5th of this Act, the applicant shall pay to the Minister of the Interior, for the use of the Royal Exchequer, the sum of two hundred and fifty dollars, and give a bond to the Minister of the Interior in the penalty of five hundred dollars, with at least one surety to be approved by said Minister.

SECTION 7. The Minister of the Interior shall have power to grant licenses to retail spirituous liquors, by the bottle or glass, upon application in writing, stating the name of the vendor and where the applicant intends to establish his place of business. But it shall not be lawful to grant licenses for the retail of spirituous liquors, including all wines and other intoxicating drinks, at any other place in the Kingdom than Honolulu.

SECTION 8. Before the granting of a retail license to vend spirituous liquors, as contemplated in the preceding section, the applicant shall pay to the Minister of the Interior, for the use of the Royal Exchequer, the sum of one thousand dollars, and give a bond to the Minister of the Interior, with a penalty of one thousand dollars, with at least one sufficient surety to be approved by said Minister.

SECTION 9. The licenses mentioned in this Act shall be signed by the Minister of the Interior, and impressed with the seal of his Department.

SECTION 10. The Minister of the Interior, by and with the consent of his Majesty the King in Privy Council, shall have the power, and it shall be his duty, to fix the limits or boundaries within which those obtaining a license contemplated by this Act, shall carry on and transact such business, and shall cause public notice to be given of the same; and he shall designate in the license the house or store or place in which such licensed person shall be authorized to pursue his business, and the license so granted shall not be transferrable or held to authorize such business to be carried on by any person, or persons, or at any other place than such as may be designated in the license.

SECTION 11. The sale and vending of spirituous liquors shall be regulated more definitely by the terms of the license; and the Min-

ister of the Interior may prescribe in the license definite rules and regulations to be observed by the vendors.

SECTION 12. All persons applying for a license under the provisions of this Act, shall, before receiving the same, file a bond, (in form similar to the following ;) the same being always subject to the approval of the Minister of the Interior.

Know all men by these Presents : That we ——— Principal, and ——— Surety, are held and firmly bound unto the Minister of the Interior, for the use of the Hawaiian Government, in the penal sum of ——— dollars, lawful money to be levied on our respective, joint and several property in case the conditions hereinafter set forth shall be violated.

For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, executors, administrators and assigns.

Sealed with our seals and dated this — day of ———, 18—.

The condition of this obligation is as follows : That whereas the above bounden Principal has this day applied for a license to vend spirituous liquors, in accordance with Section —, of the law enacted on the 23d day of August, 1862, and has complied with all the requisitions of said law, and has, consequently, become entitled to a license to vend spirituous liquors, in accordance with the statute in such cases made and provided, for the term of one year from date. Now, therefore, if during the continuance of this license the said ——— shall not contribute to the violation of any of the laws of this Kingdom nor violate any of the conditions of his license—copy of which is hereto annexed—then this obligation shall be void. Otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, the penalty mentioned in this bond shall be forfeited, and the license of the said ——— this day granted shall be void.

Given under our hands and seals the day and year above written.

In the presence of —, —, —.

SECTION 13. Upon a violation of any of the conditions of his bond by any licensed dealer in spirituous liquors, it shall be the duty of the Minister of the Interior to pass said bond to his Majesty's Attorney General of the Kingdom, for enforcement against the parties thereto, both principal and surety, with such information as has come to his knowledge in regard to any violation.

SECTION 14. The Minister of the Interior shall keep in a book of Licenses, the names of all licensed vendors of spirituous liquors throughout the Kingdom, their respective places of abode, the character of the licenses granted them, and the amount of license money paid by each, together with the date of each license. It shall be his special duty from time to time to pay over to the Minister of Finance all license money by him received, under the provisions of this Act.

SECTION 15. Any person violating the provisions of this Act by vending spirituous liquors without having previously obtained a license as hereinbefore provided, shall, on conviction, forfeit and pay to the Hawaiian Government, for each offense, the sum of five hundred dollars, and may be imprisoned at hard labor not exceeding six months, in the discretion of the Court.

SECTION 16. The Marshal, Sheriff or Deputy Sheriffs shall, in person or by proxy, inspect all places licensed to vend spirituous liquors under this Act.

SECTION 17. This Act shall take effect and become the law of the land from and after the date of its publication in the "Polynesian" newspaper, and all laws or parts of laws inconsistent or in contradiction herewith are hereby repealed.

Approved this 23d day of August, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT,

TO CONFER CERTAIN PRIVILEGES UPON THE "HONOLULU SUGAR MANUFACTURING AND REFINING COMPANY."

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That the following privileges be, and are hereby conferred upon the "Honolulu Sugar Manufacturing and Refining Company," to be enjoyed by said Company during the continuance of its present charter of incorporation, viz :

1. To refine crude sugars, imported from any foreign country in bond, for re-exportation, without the payment of duties, under such

regulations as shall be established by the Collector General of Customs; provided, however, that if such sugars shall be sold or disposed of to be consumed within the Kingdom, they shall be subject to any duty imposed upon them by law from time to time.

2. To import free of duty, all machinery used in its manufactory, and which is necessary in the manufacture of refining of sugar, sirups of sugar, or molasses.

3. To import free of duty all the animal charcoal used in such refining.

SECTION 2. The said Company is hereby expressly prohibited from manufacturing any spirituous liquors during the continuance of its present charter, under the penalty of forfeiting the several privileges conferred upon said Company by this Act.

SECTION 3. This Act shall take effect from and after the day of its passage.

Approved this 17th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 237 OF THE CIVIL CODE.—IN RELATION TO POUNDS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 237 of the Civil Code be and the same is hereby amended, by striking out all that follows the semicolon in the ninth line of said section, and substituting therefor the following, viz :

“And if the owners do not claim such estrays and pay the pound fees within such number of days from the date of the notice as shall be fixed from time to time and published by the Minister of the Interior for each district, it shall be lawful for the pound master to sell such estrays at public auction.

SECTION 2. This Act shall take effect and become a law, from and after the date of its publication.

Approved this 23d day of August, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF BOUNDARY COMMISSIONERS.

WHEREAS, The Boundaries of the majority of the ahupuaas and ilis of land in this Kingdom are not defined by authority, and whereas, it is necessary for the interest of the present and future owners of said lands that the boundaries of the same should be settled before the requisite testimony of witnesses shall be lost by reason of death : Therefore—

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That a "Commission of Boundaries" be and is hereby established, to continue for the term of five years from the passage of this Act, said Commission to consist of two persons in each of the Gubernatorial districts for which they are appointed.

SECTION 2. It shall be the duty of the Minister of the Interior, by and with the approval of his Majesty the King, to appoint, on the passage of this Act, said Commissioners, to hold office during his pleasure, and he shall have power to fill vacancies caused by death, removal, or any other cause.

SECTION 3. All owners of ahupuaas and ilis of land within this Kingdom whose lands have not been awarded by the land Commissioners, patented or conveyed by deed from the King, by boundaries described in such award, patent or deed, are hereby required, within four years from the passage of this Act, to file with the Commissioners of the district in which the land is situate, an application to have the boundaries of said land decided and certified to by the Commissioners. The application shall state the name of the land, the names

of the adjoining lands, and the names of the owners of the same, where known, and it shall also contain a general description, by survey or otherwise, of the boundaries as claimed.

SECTION 4. It shall be the duty of said Commissioners, on the receipt of such application as above, to notify the owner or owners of the land and also those of the lands adjoining, of the time when they will be prepared to hear their case. They shall receive at such hearing all the testimony offered, shall go on the ground when required by either party, and shall endeavor otherwise to obtain all information possible, to enable them to arrive at a just decision as to the boundaries of said lands.

Upon giving a decision the Commissioners shall therein describe the boundaries decided on, by survey, by natural topographical features, or by permanent boundary marks, or partly by each, and they shall have the power to order such surveys and marks to be made or erected as they may consider necessary, at the expense of the parties in interest, but they shall in no case alter any boundary described by survey in Royal Patent, in Deed from the King, or in Land Commission award.

SECTION 5. If the said Commissioners cannot agree, then the Police or District Justice of the district in which the disputed boundary is situate, or the nearest Police or District Justice, where the disputed boundary is also the boundary between districts, shall be umpire, and his decision shall be final as between them.

SECTION 6. Any party deeming himself aggrieved by the decision of the Commissioners may appeal therefrom to the Circuit Court of the island, or if the controversy is on the island of Oahu, to the Supreme Court, which Circuit or Supreme Court shall hear and determine the case "in banco;" provided, however, that any party desirous of so appealing, shall give notice of the same to the Commissioners within sixty days after the rendition of their decision, and further provided, that any land owner absent from the Kingdom and not represented by an authorized agent within the Kingdom shall have the right of appeal for one year from the rendition of said decision.

SECTION 7. Whenever any party shall appeal from the decision of the Commissioners as provided in the last preceding section, it shall

be the duty of the Commissioners to send up a statement of the case, together with a copy of their decision, to the Court to which the appeal has been taken.

SECTION 8. The Commissioners shall receive the sum of five dollars each for each and every day they shall be employed in settling any such boundaries, two dollars for each certificate granted, and fifty cents for every hundred words contained in the description in said certificate.

SECTION 9. The said Commissioners shall have the like power to administer oaths, to punish contempts, to grant adjournments, to subpoena and compel the attendance of witnesses, and issue executions for costs, as is conferred by law upon Police Courts.

SECTION 10. The Minister of the Interior is not authorized and is hereby forbidden, to issue any patent, from and after the passage of this Act, in confirmation of an award by name made by the Commissioners to Quiet Land Titles, without the boundaries being defined in such patent, according to the decision of the Commissioners of Boundaries as provided by this Act.

SECTION 11. The said Commissioners shall keep a correct record of their proceedings in books to be furnished them by the Minister of the Interior, which records, at the close of their commission, shall be returned to the said Minister for preservation.

SECTION 12. The certificates of the Commission shall be made on stamped paper, furnished by the Minister of the Interior, and the Commissioners shall collect and account to the Minister of the Interior, for the benefit of the Royal Exchequer, one dollar for each stamped certificate issued by them.

SECTION 13. This Act shall take effect and become a law from and after the date of its publication.

Approved this 23d day of August, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO ADMIT PLATE AND PIG IRON DUTY FREE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. From and after the publication of this Act, plate iron of one-eighth of an inch in thickness and upwards, and pig iron, shall be admitted duty free when imported into this Kingdom.

Approved this 17th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PREVENT THE SPREAD OF DISEASE AMONG SHEEP.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. It shall not be lawful for any person to drive sheep infected with scab or other infectious or contagious disease, along any public road through the land of another occupied or used as a sheep pasture, without giving one day's notice to the owner or owners of the sheep on said pasture, his or their agents.

SECTION 2. The owner of any sheep driven in contravention of Section 1 of this Act shall be liable, on conviction before any Police or District Justice, to a fine not exceeding fifty dollars, one half to go to the informer, and one half to the Royal Exchequer, and he shall also be liable to civil suit for damages.

SECTION 3. This Act shall take effect and become law, from and after the date of its publication.

Approved this 25th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO ESTABLISH AN INSANE ASSYLUM.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. There shall be erected in Honolulu, at such place as the Minister of the Interior shall direct, a suitable building for the reception of all insane persons, to be styled an Insane Hospital. . .

SECTION 2. The Minister of the Interior shall have the power to make such arrangement for management of said Hospital as he shall deem requisite and necessary.

SECTION 3. The Judges of the Supreme, Circuit, Police and District Courts, shall have the power to commit any person to the said Hospital on a satisfactory complaint being made before them that such person is insane, and that the public safety requires his restraint until he becomes of sane mind, or is ordered to be discharged as hereinafter provided.

SECTION 4. The Judges of the Supreme and Circuit Courts shall have the power to discharge any person confined in said Hospital upon application to them, if upon examination they shall be satisfied that said person is of sound mind.

SECTION 5. Any person indicted for any crime who shall be acquitted by reason of insanity or mental derangement, the Court before whom such trial shall be heard, shall have the power to commit such person to the Insane Hospital, there to remain until restored to his right mind or discharged, as provided in Section 4.

SECTION 6. The property of all persons committed to the said Hospital shall be liable for the expenses attending their confinement; and the Attorney General shall institute suits for the recovery of the same, when requested to do so by the Minister of the Interior.

SECTION 7. Whenever the Physician of the Hospital shall certify in writing to the Minister of the Interior, that any person committed to the Hospital has recovered from his insanity, and is of sound mind, the Minister aforesaid shall have the power to discharge such person.

SECTION 8. The Physician of the Hospital shall keep a register of

the name, age and sex of each person committed, the date of his admission and discharge from the Hospital.

SECTION 9. The Minister of Finance is hereby authorized to pay to the Minister of the Interior a sum not to exceed seven thousand dollars, to carry out the above mentioned object.

SECTION 10. This Act shall become a law from and after the day of its publication.

Approved this 23d day of August, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PROVIDE FOR THE DEPOSIT OF CERTAIN MONEYS IN THE PUBLIC TREASURY.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. Whenever any money shall be paid into, or deposited in, any Court of this Kingdom, to abide the ascertainment of the right to such money, or the determination of a suit, the Court shall have power, upon the application of any party interested, or without such application, to order such money to be deposited in the Public Treasury, subject to the further order of the Court.

SECTION 2. Every administrator, guardian, receiver, or other fiduciary appointed by judicial authority, may be required by order of any Court or Justice having jurisdiction of the subject matter, about which such fiduciary is employed, upon the application of any party interested, or without such application, to deposit any money accruing in his hands in virtue of his trust, in the Public Treasury subject to the further order of some competent Court or Justice.

SECTION 3. Interest at the rate of eight per cent. per annum shall be allowed and paid by the Minister of Finance upon all moneys deposited in the Treasury, in pursuance of the provisions of this Act; provided that no interest shall be paid on any sums so deposited for a less period than three months; and provided further, that every

order of Court requiring the payment of any such moneys by the Minister of Finance, shall be payable on demand.

SECTION 4. The provisions of this Act shall not be held to affect the powers vested by will in any executor or guardian; nor shall they be construed to authorize the payment of interest upon the repaid deposits of any person or estate of any person belonging to the Public Treasury.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 30th day of June, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

AUTHORIZING THE MINISTER OF FINANCE TO NEGOTIATE A LOAN FOR THE BENEFIT OF THE GOVERNMENT EXCHEQUER.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the Minister of Finance be and is hereby authorized to borrow a sum of money, not to exceed one hundred thousand dollars, for a term not exceeding ten years, at a rate of interest not to exceed nine per cent. per annum.

SECTION 2. The sum borrowed by authority of the preceding section shall be devoted to the cancelling of such Exchequer Bills or other evidences of Government indebtedness, as may now be outstanding, on which the interest is at the rate of twelve per cent. or more per annum; it being expressly enacted that no authority is hereby given to increase the amount of the public indebtedness beyond the temporary increase during the maturing of the Exchequer Bills and other evidences of debt now outstanding, and which this sum is intended to pay.

SECTION 3. This Act shall take effect and become a law from and after the date of its publication.

Approved this 23d day of August, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PROVIDE FOR THE ENDOWMENT OF THREE SCHOLARSHIPS IN OAHU COLLEGE AT PUNAHOU.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the Minister of Finance be, and he is hereby authorized, upon the passage of this Act, to issue exchequer bills or certificates of Government stock, to the amount of fifteen hundred dollars, bearing interest at the rate of twelve per cent. per annum, payable to the President of the Board of Education.

SECTION 2. That the fund hereby provided shall be applied to the endowment of three scholarships in "Oahu College," to be filled from time to time by such indigent and deserving pupils, being aborigines of this Kingdom, or of mixed aboriginal descent, as shall be nominated thereto by the Trustees of said College, and approved by the Board of Education.

SECTION 3. That the exchequer bills, or Government stock, to be issued under the provisions of this Act, shall be considered as representing a part of the Government debt, authorized by "An Act to authorize the Minister of Finance to negotiate a Loan," passed on the 25th day of June, A. D. 1855, and shall be accounted for accordingly by the Minister of Finance.

SECTION 4. The said exchequer bills, or stock certificates, shall be renewable, from time to time, when due, or shall be paid and cancelled at the option of his Majesty's Government.

Approved this 25th day of July, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION

FOR THE RELIEF OF MR. IRA RICHARDSON.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That the Judges of the Supreme Court be and are hereby appointed Commissioners to ascertain whether in equity and good conscience any sum of money should be paid to Mr. Ira Richardson for the Puunui Bridge, so called, and roads leading to it ; and if they shall so find, and shall certify any sum as so due, then the Minister of the Interior is authorized to order the same to be paid out of the road tax for the District of Kona, island of Oahu.

Approved this 23d day of August, A. D. 1862.

KAAHUMANU.

KAMEHAMEHA.

JOINT RESOLUTION

FOR THE ESTABLISHMENT OF A SANITARY COMMISSION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That upon the passage of this Act a Commission of Five persons shall be appointed by his Majesty the King to thoroughly investigate the sanitary condition of the country and the causes of its depopulation ; to suggest remedial measures therefor, and to report to his Majesty the King within six months from the date of its appointment. Upon the receipt of said report, his Majesty to take such measures as he in his wisdom shall deem necessary.

SECTION 2. That one thousand dollars be and hereby is appropriated to defray the contingent expenses of the said Commission.

Approved this 23d day of August, A. D. 1862.

KAAHUMANU.

KAMEHAMEHA.

JOINT RESOLUTION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That the sum of six thousand dollars (\$6,000) be and the same is hereby appropriated out of the public moneys for the purpose of defraying the necessary expenses of the Legislature of A. D. 1862.

Approved this 17th day of May, A. D. 1862.

KAMEHAMEHA.

KAAHUMANU.

 APPROPRIATION BILL FOR 1862 AND 1863.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That the following sums, amounting to Four Hundred and Ninety-six Thousand Two Hundred and Eighty-six and 62-100 Dollars, be and they are hereby appropriated out of any money in the Treasury, for the service of the biennial fiscal period, commencing with April 1st, 1862, and ending with March 31, 1864, viz :

CIVIL LIST.

For his Majesty's Privy Purse and Royal State.....	\$34,000 00
H. R. H. the Prince of Hawaii.....	2,000 00
Her Majesty the Queen	4,000 00
	<hr/>
	\$40,000 00
For H. R. H. Prince Kamehameha, Minister of the Interior and Commander-in-Chief of H. M.'s forces.....	8,000 00
Salary of the Chancellor and Chief Justice of the Kingdom	10,000 00
	<hr/>
	\$18,000 00

INTERIOR DEPARTMENT.

For Chief Clerk of Interior Department.....	4,000 00
Second " " " "	2,400 00
Third " " " " to July 31st, 1862	266 67
Messengers and Watchmen.....	832 00

For Governor of Maui.....	3,000 00
" " Kauai.....	2,000 00
Governess of Hawaii.....	2,000 00
Clerk of Governor of Oahu.....	500 00
" " " Maui.....	600 00
" " " Kauai.....	500 00
" Governess of Hawaii.....	1,200 00
Surveying.....	800 00
Fire Department of Honolulu.....	3,800 00
" " " " debt due March 31, '62	1,000 00
Salary of Marshal.....	6,000 00
Salary of Sheriff of Maui, including clerk hire, said Sheriff to perform the duties of Postmaster, Col- lector of Customs and Harbor Master, at Lahaina.	4,000 00
Sheriff of Hawaii, including clerk hire, said Sheriff to perform the duties of Postmaster, Collector of Cus- toms and Harbor Master, Hilo.....	3,000 00
Sheriff of Kauai.....	1,600 00
Provided that the said Marshal and Sheriffs shall be entitled to mileage in civil cases, the same to be taxed by the Court and collected as costs from the parties in whose behalf such duties are rendered.	
Support of Prisoners.....	8,000 00
Jailor of Oahu Prison.....	3,000 00
The Police of Oahu.....	12,000 00
" " Maui.....	3,648 00
" " Hawaii.....	1,968 00
" " Kauai.....	1,064 00
Stationery of Police and District Courts.....	1,000 00
" " and incidentals of Department.....	2,000 00
Salary of Postmaster General.....	3,400 00
" Clerk of Postmaster.....	1,000 00
Mail Carriers, Kauai.....	300 00
" " Oahu.....	416 00
" " Maui.....	600 00
" " Hawaii.....	1,500 00
Purchase of vaccine matter and pay of Vaccinators, to be expended under the direction of the Board of Health.....	1,000 00

FOREIGN DEPARTMENT.

For salary of Minister of Foreign Affairs.....	8,000 00
Secretary of Department,.....	3,400 00
His Majesty's Charge d'Affaires, London.....	1,600 00
Office expenses of Foreign Agents,.....	1,000 00
Postage, stationery and translations.....	1,000 00
Amount advanced by His Ex. R. C. Wyllie, for ex- penses of Sir John Bowring's Mission, and interest (to be ascertained) on the same from the date of the payment in London, the Exchequer Bills for \$5,000, issued as a lien for said advance, to be re- turned to the Minister of Finance.....	6,000 00
	<u>\$21,000 00</u>

DEPARTMENT OF FINANCE.

For salary of Minister of Finance.....	8,000 00
Registrar of Public Accounts.....	3,600 00
Collector General of Customs, Section 542 of Civil Code notwithstanding.....	5,000 00
Collector General's clerk.....	3,000 00
Custom House Surveyor and Guard at Honolulu....	2,400 00
Storekeeper at Honolulu.....	2,000 00
Collector of Customs and Harbor Master at Kawai- hae.....	400 00
Collector of Customs and Harbor Master at Kealake- kua.....	200 00
Assistant Guards at Honolulu and other ports, to be disbursed in the discretion of the Collector Gener- al, with the approval of the Minister of Finance...	1,500 00
Stationery and incidentals of Custom Houses.....	1,000 00
Pay of Assessors, not to exceed 4 per cent. of the amount of taxes collected on their several lists, provided that the cost of assessing the school tax shall be a charge upon this tax, and not upon the Treasury.....	7,000 00
Pay of Tax Collectors, not to exceed five per cent....	6,500 00
Incidentals of Department.....	800 00
Interest on Queen Dowager's notes.....	4,080 00
Rent of Wharf Lot.....	2,000 00
Aid in support of Queen's Hospital.....	6,000 00

For Hospital Fund, estimated receipts.....	2,400 00
Water Fund, to be paid out of water receipts.....	9,800 00
Lights at Lahaina.....	500 00
Certificates of Deposit outstanding.....	1,696 00
Interest on National Debt.....	38,279 00

\$106,155 00

DEPARTMENT OF WAR.

For support of the Military, including \$1,200 for volunteer companies.....	40,000 00
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DEPARTMENT OF PUBLIC INSTRUCTION.

For salary of the President of the Board of Education...	7,000 00
Salary of clerk of do. do.....	3,600 00
Stationery and incidentals.....	500 00
An iron safe.....	300 00
Lahainaluna Seminary, under direction of the Board of Education.....	6,800 00
Repairs of buildings at Lahainaluna.....	927 19
Rebuilding Lahainaluna Seminary.....	6,000 00
English Schools.....	6,200 00
Family Schools for Hawaiian Females:	
Makiki Family School, Oahu.....	\$600
Koloa " " Kauai.....	700
Maui " " 	600
Kau " " Hawaii.....	600
	2,500 00
Hilo Boarding School, provided it be placed under the direction of the Board of Education, so that they may make it to a certain extent a normal school.:	1,800 00

\$35,627 19

JUDICIARY DEPARTMENT.

For salary of First Associate Justice of Supreme Court..	8,000 00
Salary of Second do. do. do.....	8,000 00
The Attorney General.....	5,000 00
One Circuit Judge, Oahu.....	1,200 00
Salaries of Circuit Judges of Hawaii—if there are two employed, at \$900 each; if three, at \$600 each per annum.....	3,600 00
Circuit Judge, Maui.....	2,400 00
" " Kauai.....	2,000 00

For Police Justice, Honolulu.....	4,000 00
" " Lahaina.....	2,000 00
" " Hilo.....	1,600 00
Clerk of Circuit Court, 2d Judicial Circuit.....	400 00
1st Clerk " " 3d " "	300 00
2d " " " " " "	300 00
Clerk of " " 4th " "	300 00
Clerk of Supreme Court and Circuit Court of the 1st Judicial Circuit.....	4,000 00
Assistant Clerk of the Supreme Court.....	2,400 00
Interpreter of Supreme Court and Police Court, Ho- nolulu.....	2,000 00
Expenses of Supreme Court, including expenses of witnesses in criminal cases when deemed necessary and amount due, H. Stangenwald, M. D., to be drawn for by the Clerk of said Court.....	3,000 00
Expenses of the Circuit Court of 2d Circuit, \$1,500 ; of the 3d Circuit, \$1,200 ; of the 4th Circuit, \$400	3,100 00
Stationery of Supreme and Circuit Courts, \$100 ; and for the publication of judicial decisions and pur- chase of Law Books, \$500.....	600 00
District Judge, Puna, Hawaii.....	500 00
" " Kau, "	500 00
" " N Kona, "	500 00
" " S. Kona, "	500 00
" " N. Kohala, "	500 00
" " S. Kohala, "	500 00
" " Hamakua, "	500 00
" " Wailuku, Maui	500 00
" " Hamakua, "	500 00
" " Hana, "	500 00
" " Kaupo, "	500 00
" " Molokai,.....	500 00
" " Lanai	300 00
" " Ewa, Waianae and Waiaina, Oahu..	800 00
" " Koolauloa and Koolaupoko, " ..	700 00
" " Hanalei and Anahola, Kauai.....	700 00
" " Lihue, Kauai.....	500 00

For District Judge, Koloa, Kauai.....	500 00
“ “ Waimea and Niihau, Kauai.....	700 00
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	\$64,400 00

Provided that as the Commissions of the present District Justices expire, the new Justices shall be appointed payable by fees, as provided in Section 922 of the Civil Code, wherever persons suitable for the office, in the judgment of the several Governors and the Justices of the Supreme Court, can be found.

MISCELLANEOUS EXPENDITURES.

For Temporary provision for L. Andrews, to be paid monthly.....	2,000 00
Temporary provision for John Ii, at the rate of \$1,000 per annum, to be paid monthly from the time he may resign his commission as a Justice of the Supreme Court.....	2,000 00
Secretary of the Privy Council, at the rate of \$5 per day for each day's service.....	200 00
Incidentals and stationery of Privy Council.....	400 00
Expenses of Legislature, including amount of \$6,000 appropriated by joint resolution.....	12,000 00
H. R. H. the Prince of Hawaii—amount due him....	167 00
Circuit Judge Hilo,—amount due him.....	66 69
“ “ Kohala, “ “	267 18
“ “ Kona, “ “	1 00
Police Justice, Hilo, “ “	83 00
District “ N. Hilo, “ “	208 34
“ “ Puna, “ “	25 00
“ “ S. Kona, “ “	75 00
“ “ N. Kona, “ “	90 00
“ “ Hamakua, “ “	75 00
“ “ Kaupo, “ “	75 00
“ “ Lanai, “ “	83 34
“ “ S. Kohala, “ “	87 50
“ “ N. Kohala, “ “	75 00
“ “ Ewa, “ “	12 00
Clerk of Circuit Court, 3d District.....	95 50
“ “ “ 4th “	2 50

For President of the Board of Education.....	59	51
Clerk of Governess of Hawaii.....	100	00
Department of Foreign Relations, being a reappropriation.....	3,256	59
Rent of Pelly Premises.....	270	20
Estate of J. Dunn.....	\$408	61
" J. Bradney.....	391	86
" Takaihaili.....	28	21
J. S. Green, in the discretion of the Minister of the Interior.....	95	93
Keohokalole claim.....	339	80
Interest on Exchequer Bills or Stock for the endowment of scholarships at Oahu College.....	360	00
Purchase of Hilo Court House Lot, originally leased to F. W. Wood, including back rent—in the discretion of the Minister of the Interior.....	800	00
The purpose of securing the speedy publication of the Dictionary prepared by the Hon. and Rev. Lorrin Andrews; provided that the expenditure of the aforesaid sum shall be within the discretion of the Board of Education.....	1,500	00
Secretary to his Majesty—amount due him.....	117	42
Expenses of Law to Mitigate, etc., etc, to July 31..	570	09
Deputy Collector of Customs to date of resignation, 30th June.....	625	00
Water Works.....	60	00
The following named employees of the Government shall be paid at the rates below specified, for whatever time they may have been employed in the Government service after the 31st March, 1862, up to the passage of this Act, at which time their salaries shall cease;		
Clerk of Honolulu Market for five months.....	416	66
Superintendent of Public Works, four months.....	833	34
Collector of Customs, Koloa, five months.....	125	00
" " " Lahaina, " " 	833	33
One Circuit Judge, Oahu, " " 	333	33
" " " Hawaii, " " 	333	33
" District " Oahu, " " 	125	00

For one District Judge, Hanalei, Kauai, five months....	104 17
“ “ “ Niihan, five months.....	62 50
District Attorney, Oahu, “ “	833 33
“ “ “ Maui, “ “	187 50
“ “ “ Hawaii, “ “	500 00
“ “ “ Kauai, to May 30.....	100 00
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	\$31,859 76

RECAPITULATION.

Civil List.....	\$40,000 00
Prince Kamehameha and Chief Custice.....	18,000 00
Interior Department.....	139,244 67
Foreign Department.....	21,000 00
Finance Department.....	106,155 00
War Department.....	40,000 00
Department of Public Instruction.....	35,627 19
Judiciary Department.....	64,400 00
Miscellaneous Expenditures.....	31,859 76
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	\$496,286 62

SECTION 2. The Minister of Finance shall credit to the appropriations of 1860 and 1861, all the amounts appropriated by the Act approved August 25th, 1860, and remaining unexpended on the 31st of March, 1862, not otherwise specifically re-appropriated; and such amounts shall be deemed no longer available for the objects for which they were originally appropriated.

SECTION 3. The Minister of Finance shall continue to pay the salaries appropriated by this Act, the compensation of soldiers and constables, the expenses of the Fire Department, of the Supreme and Circuit Courts, Exchequer Bills and Government Stocks, and the interest accruing thereon, together with the interest on the School Fund invested in the Treasury, until the 30th day of June, 1864, unless new appropriations are made previous to that date.

SECTION 4. The Minister of Finance shall not cause, or allow to be paid out of the Treasury, any money for objects not provided for by this law; provided, however, that all sums temporarily deposited in the Treasury, for which certificates of deposit are issued, and the interest thereon, may be paid when due, without special appropriation for that object; and provided further, that in the event of pestilence,

war, invasion or rebellion, or of immediate danger thereof, his Majesty in Privy Council may appropriate such amounts as may be necessary to meet such emergency, and the Minister of the Interior shall render to the next Legislature a detailed account of the same.

SECTION 5. It shall be lawful for the Heads of Departments, in cases where special appropriations may fall short, to apply to the same the surplus of other special appropriations not required to be expended, so as to make up the deficiency, each Head of Department duly accounting to the Legislature for such transfer ; but in no case shall the appropriations for internal improvements in one gubernatorial division be transferred to another.

SECTION 6. No person holding one or more offices for which salaries may be provided, shall be authorized to draw for more than the salary of the highest grade of office held by him if the salary of either of the offices held by him shall amount to two thousand dollars or more per annum, and he shall be entitled to no other or further compensation.

SECTION 7. This Act shall take effect and be in force, from and after the day of its passage.

Approved this 23d day of August, A. D. 1862.

KAMEHAMEHA. ●

KAAHUMANU.

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